

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIC MESI and BETTY MESI,)	3:15-cv-00555-RCJ-WGC
)	
Plaintiffs,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	February 23, 2016
U.S. BANK NATIONAL ASSOCIATION, etc.,)	
et al.,)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiffs’ “Motion for Time, Bringing Expert Witness Into This Case Marie McDonnell.” (ECF No. 36.) Defendant JPMorgan Chase Bank, N.A. (“Chase”) opposed Plaintiffs’ motion (ECF No. 43) and Defendant U.S. Bank NA joined in the Chase opposition (ECF No. 44). No reply was filed by Plaintiffs.

The court has difficulty interpreting Plaintiffs' motion. It appears that Plaintiffs seek to disclose an individual identified as an expert witness in other litigation being pursued by the Mesiss, a Marie McDonnell, as an expert witness in this matter. (ECF No. 36 at 3.)

To the extent Plaintiffs' filing constitutes what purports to be an expert witness disclosure, Plaintiffs' disclosure is premature. Fed. R. Civ. P. 26 (a)(3)(D) states that expert disclosures are to be made "in the sequence that the court orders." Absent such an order, the disclosure of experts is to be made not later than 90 days before trial.

In this matter, no Discovery Plan and Scheduling Order has been entered (because of the pending motions to dismiss, ECF Nos. 7 and 11) and as such, the deadline for disclosure of expert witnesses has not been scheduled. Neither has a trial date been scheduled.

Plaintiffs' motion (ECF No. 36) is premature and is therefore **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk